

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No. 2659 of 2017

Date of Decision: 18.09.2019

Gaurav Kumar Sharma

.....Petitioner

Versus

Sh. P.K. Dass and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Kaith, Advocate
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG Haryana.

AVNEESH JHINGAN, J.(oral)

This contempt petition has been filed pleading wilful disobedience of order dated 19.1.2017 passed in CWP No. 17790 of 2013.

The operational part of the order is reproduced below:

"In these circumstances, it is clear that this Court cannot grant the benefit of compassionate appointment to the petitioner. However it cannot also be denied that if the respondents had informed the mother of the petitioner at the relevant time that the case of the compassionate appointment cannot be kept pending she would have accepted the offer. In my considered opinion, interest of justice would be met if the respondents are directed to consider the claim of the petitioner under the 2006 Rules which was prevalent at the time when he attained majority. Under those Rules, the petitioner would have to give an option. Let the petitioner now apply under the 2006 Rules within period of 01 month from the date of issuing of the certified copy of this order. The respondents are

directed to grant him the benefits as per the 2006 Rules within a further period of 02 months thereafter failing which the petitioner would be entitled to claim the same with interest @ 12% per annum from today."

Learned State counsel has filed reply by way of affidavit of Ms. Vandana Disodia, Additional Director Administration, Directorate of Elementary Education Haryana, along with receipts dated 8.8.2019 and 6.9.2019 respectively of payment of arrears and payment of interest. The same are taken on record. Copy supplied to counsel for the petitioner.

Learned counsel for the petitioner submits that in view of reply filed, no cause of action survives for pursuing the present contempt petition, however, he seeks liberty to avail remedy in accordance with law for redressal of the grievance if still surviving.

Disposed of as infructuous with liberty as prayed for.

(AVNEESH JHINGAN)
JUDGE

18.09.2019
reema

Whether speaking/reasoned	Yes
Whether Reportable:	No